The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Doak (US 4,469,845).

Patentees disclose a composition having 15% styrenic block copolymer with refractive index matched with the remaining components which may contain a methyl methacrylate terpolymer (abstract; column 9, lines 12-17).

Claims 1-6, 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishida et al. (US 5,306,778).

Patentees disclose a compostion in which the refractive indices of the composnts are matched (column 8, lines 47-60 and containing applicants amountw of styrenic block copolymer and thermoplastics (Table 8 showing Examples 33-35 in column 28).

Claims 1-6, 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al. (US 6,395,829).

Patentees disclose a compostion containing polyolefin thermoplastics, block copolymer and core shell polymers in which the refractive indices of the composnts are matched (column 17, lines 36-67). Note the examples where applicants amounts of materials are used in styrenic block copolymer containing compsotion.

Claims 7-10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al. (US 6,395,829) in view of Bayard et al. (US 5,686,534).

The primary reference discloses no examples of methyl methacrylate block containing block copolymers or that they should be syndiotactic although methacrylate containing block copolymers are disclosed in column 11, lines 30-35.

Bayard at column 2, lines 25-57 discloses triblock copolymers with terminal syndiotactic PMMA blocks and in which high syndiotacticity is disclosed to confer high heat resistance.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to select methylmethacrylate monomers to produce blocks from those monomers of the primary reference in the expectation of adequate results as taught by the primary reference and to produce the MMA blocks in the form of syndiotactic blocks as taught by the secondary reference in the expectation of increasing heat resistance absent any showing of surprising or unexpected results.

Claims 1-6, 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al. (US 6,331,591).

Patentees in the examples in Table 1 disclose blends of refractive index matched styrenic block copolymer, core shell polymers and thermoplastics such as cyclic olefin copolymers.

Claims 1-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohnaga et al. (US 6,143,826).

Patentees in Table 2 in column 17 disclose combinations of block copolymers (including styrene-isoprene-methylmethacrylate triblock copolymer in experiment 18), AS resins or phenoxy resins and acrylic resins in which the refractive indices of the components are matched (abstract). With regard to the limitation “syndiotactic” in claims 9 and 10 this reasonably appears to be inherent given that similar methods used by Ohnaga in the art produce syndiotactic PMMA.

Claims 9, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnaga, cited above optionally in view of Drzewinski (US 5,338,798) or Bayard et al. (US 5,686,534).

Drzewinski discloses that diene-PMMA block copolymer blends with polycarbonate have improved clarity when the PMMA blocks are syndiotactic at column 4, line45-column 5, line10. Note that Drzewinkis’ block copolymer production method is similar to that of the primary reference and thus those skilled in the art would in fact conclude that block copolymers produced by Ohnagas’ method would be syndiotactic but arguably the examiner may be incorrect.

The primary reference discloses no examples in which two PMMA blocks are present and does not explicitly disclose that the PMMA block is syndiotactic (but for the reasons set out above syndiotactic PMMA block formation is assumed inherent when producing any block copolymer using Ohnagas' process).

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to use applicants block copolymer of instant claim 15 (arrived

at by selecting from the various disclosures of the primary reference) in the compostion of the primary reference in the expectation of adequate results absent any showing of surprising or unexpected results. Those of ordinary skill in the art would produce the block copolymer of claim 15 in syndiotactic form (as required by claim 15) motivated by the disclosure of the process of Ohnaga which is similar to prior art processes in which syndiotactic material is produced and by the necessity of accepting the results of Ohnagas' polymerization process. Further motivation to produce syndiotactic material is present in the secondary reference Drzewinski which discloses improved clarity and thus those of ordinary skill would be motivated to produce Ohnagas' compositions with improved clarity absent any showing of surprising or unexpected results.
It would have also been obvious to a practitioner having an ordinary skill in the art at the time of the invention to select methylmethacrylate monomers to produce blocks from those monomers of the primary reference in the expectation of adequate results as taught by the primary reference and to produce the MMA blocks in the form of syndiotactic blocks as taught by the secondary reference Bayard in the expectation of increasing heat resistance absent any showing of surprising or unexpected results.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

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JCM

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